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Administration of Justice

Supersession of the Panchayat Court at Chidambaram.

* 483 *Q.*—Swami A. S. Sahajanandam: Will the hon. the Law Member be pleased to state—

(*a*) whether the Panchayat Court constituted in 1931 at Chidambaram has now been superseded; if so, what the main grounds are for doing so;

(*b*) whether any defect was pointed out in the description of villages lying within its jurisdiction, and as notified in the Gazette;

(*c*) who is responsible for the said defect;

(*d*) whether it was rectified by a subsequent order of the Government; if so, why did not the Court function;

(*e*) even after the Panchayat Court was formed and began to function, whether the village munsif of Chidambaram continued to try cases within the same jurisdiction contrary to the orders of the Government;

(*f*) why did not the village munsif hand over papers of pending suits to the Panchayat Court in spite of the orders made by the Tahsildar;

(*g*) whether he was suspended for the disobedience of orders by the Tahsildar;

(*h*) how was he then restored;

(*i*) whether there was any representation by the public that two or more courts are to be established instead of one as originally constituted;

(*j*) whether there was any delay in the disposal of cases in a single court;

(*k*) whether the suggestion of grouping villages as they stand at present proceeded from the Revenue Divisional Officer or from others;

(*l*) whether the Revenue Divisional Officer passed any orders not to entertain or try cases by the Panchayat Court after notification was duly corrected and made and what his reasons are;

(*m*) how many cheris were included within the jurisdiction of the Panchayat Court already formed;

(*n*) how many members of the said court belonged to the Adi-Dravida community;

(*o*) how many cheris are included in the municipal area as now defined in G.O. Ms. No. 3454, dated 20th September 1932;

(*p*) how many of them are excluded from the said municipal area;

(*q*) why is a village court alone recommended for each of the villages or their groups as defined in the said Government Order, outside the municipal limits;

(*r*) why was Kuthankoil village omitted in the present proposal; and

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(*s*) whether the village munsif of the village holds the presidentship of the existing panchayat court ?

A.—(*a*) Yes, the main ground being that the notification issued in 1931 was vague and doubts were felt as to whether the jurisdiction of the Panchayat Court as constituted included the municipal area of Chidambaram.

(*b*) It was brought to the notice of Government that the notification issued in G.O. No. 5131, Law (General), dated the 6th December 1930, did not expressly include Chidambaram municipal village.

(*c*) The proposal for the constitution of the panchayat court in question was made by the Revenue Divisional Officer, Chidambaram (Mr. F. Lobo).

(*d*) A notification reconstituting the Court was issued only in September 1932. This Court has been ordered to function with effect from the 15th December 1932.

(*e*) The hon. Member presumably refers to the Panchayat Court which was formed in 1931. The village munsif continued to try cases till March 1932, when order was issued to him not to try civil cases.

(*f*), (*g*), (*h*) & (*l*) The village munsif was given time till 31st March 1932 to arrange the records for transmission to the Panchayat Court. Subsequently, a mahazar was received by the Revenue Divisional Officer requesting him to stay his order directing the village munsif to hand over the records of the Panchayat Court. Thereupon, he issued orders both to the village munsif and the Panchayat Court not to try cases arising in the municipal area till the question of jurisdiction was finally settled by the Government.

The Tahsildar of Chidambaram issued an order suspending the village munsif for failure to hand over the records of pending civil suits to the Panchayat Court even though he was not competent to issue such an order. The Revenue Divisional Officer did not consider the order justifiable and did not approve of it.

(*i*) No.

(*j*) No delays were brought to notice.

(*k*) Vide answer to clause (*c*) above.

(*l*) See above.

(*m*) Eight.

(*n*) The attention of the hon. Member is invited to the answer to Legislative Council question No. 242.

(*o*) Three.

(*p*) None.

(*q*) Panchayat Courts were considered unnecessary for them as they are petty villages with small population.

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(r) A village court has been constituted under section 6 (1) of the Madras Village Courts Act, 1888, for the group of Kuthankoil and Settimuthu villages.

(s) The village headman of Kuthankoil was the President of the court, as constituted in 1931.

Rao Sahib V. I. MUNISWAMI PILLAI:—"May I know from the hon. the Law Member whether the Government is aware that while there were two representatives of the Adi-Dravida community in the Panchayat Court as constituted in the past, there are none now?" 11-30 a.m.

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I am not aware of it. Even if I were, Government cannot help it, because as far as I can remember the Government have no power of nominating any member from the Adi-Dravida community."

Mr. M. DEVADASAN:—"May I know whether the Government propose to appoint members from among the Depressed Classes to the Panchayat Court?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I am not aware as I said whether Government have power of nomination to the Panchayat Court. If they have it, I shall consider my hon. Friend's suggestion."

Rao Sahib V. I. MUNISWAMI PILLAI:—"Is the Government aware that no cheries have been included in the jurisdiction of the Panchayat Court as reconstituted and how is it possible for any member of the Adi-Dravida community to be elected to the Panchayat Court as now reconstituted?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"There are some cheries included in the jurisdiction of the Panchayat Court even according to the present notification."

Mr. M. DEVADASAN:—"May I know whether the reconstitution of the Panchayat Court has been injurious to the interests of the depressed classes?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"No, Sir."

Prisons and Prisoners

Quarantine of prisoners received into the Jail.

* 484 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Law Member be pleased to state—

(a) the period for which new prisoners received into the jail are ordinarily kept in quarantine before they are allowed to stay with other prisoners and whether this period was exceeded in the case of Mr. T. P. Alwar of Masulipatam;

(b) the reasons which ordinarily govern transfer of prisoners from one jail to another and what those reasons were in the case of Mr. Alwar for his transfer to Bellary Jail;

(c) how long he was kept in quarantine in the Bellary Jail and whether he was kept there until the expiry of the term of sentence;